

**THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

MICHAEL AND SHELLIE GILMOR,  
et al.,

Plaintiffs,

vs.

PREFERRED CREDIT CORPORATION,  
et al.,

Defendants.

Case No. 4:10-cv-00189-ODS

**JOINT MOTION FOR STAY OF CLAIMS AS  
AGAINST DEFENDANT WELLS FARGO BANK, N.A.**

Plaintiffs and Defendant Wells Fargo Bank, N.A., f/k/a Wells Fargo Bank, MN, N.A., f/k/a Norwest Bank Minnesota, N.A. (“Wells Fargo”) jointly move the Court to stay all motions and proceedings in connection with Plaintiffs’ claims against Wells Fargo. In support of this motion, Plaintiffs and Wells Fargo state as follows:

1. The above captioned case is a class action lawsuit involving claims by Missouri homeowners for violations of Missouri’s Second Mortgage Loans Act §§ 408.231 RSMo, *et seq.*
2. Plaintiffs and Wells Fargo have reached an agreement that, if approved, will settle and resolve the claims of those class members who obtained the loans for which Plaintiffs seek to hold Wells Fargo liable as against Wells Fargo, but not as against any other Defendant(s) also alleged to be liable on such loans. Plaintiffs and Wells Fargo need time to memorialize the settlement in writing and to implement the process through which the settlement can be finalized and submitted to the Court for approval.
3. Given the settlement, the continued prosecution of the claims against Wells Fargo is unnecessary and will detract from the settling parties’ ability to implement their settlement.

Accordingly, Plaintiffs and Wells Fargo respectfully request this Court to grant a stay with respect to all motions and other proceedings related to Plaintiffs' claims against Wells Fargo, including without limitation Wells Fargo's Motion for Summary Judgment (Doc.'s 686, 688), and Plaintiffs' Motion for Partial Summary Judgment, *but solely as to Wells Fargo* (Doc.'s 703, 704), and Wells Fargo's Motions to Exclude Testimony of Dr. Kurt V. Krueger (Doc.'s 668, 670, 687, and 689).

4. No other claims, motions, discovery or other case activity should be stayed against any other Defendant.

5. No party will be prejudiced by the granting of this motion.

WHEREFORE, Plaintiffs and Defendant Wells Fargo Bank, N.A. respectfully request that the Court enter an Order staying all motions and proceedings relating to Plaintiffs' claims against Wells Fargo as stated above.

Date: September 19, 2012

Respectfully submitted,

WALTERS BENDER STROHBEHN  
& VAUGHAN, P.C.

By: /s/ Kip D. Richards  
R. Frederick Walters – Mo. Bar 25069  
Kip D. Richards – Mo. Bar 39743  
David M. Skeens – Mo. Bar 35728  
Karen W. Renwick – Mo. Bar 41271  
J. Michael Vaughan Mo. – Bar 24989  
Garrett M. Hodes – Mo. Bar 50221  
Matthew R. Crimmins – Mo. Bar 53138  
Bruce V. Nguyen – Mo. Bar 52893  
2500 City Center Square  
1100 Main Street  
P.O. Box 26188  
Kansas City, MO 64196  
(816) 421-6620  
(816) 421-4747 (Facsimile)  
[fwalters@wbsvlaw.com](mailto:fwalters@wbsvlaw.com)

[krichards@wbsvlaw.com](mailto:krichards@wbsvlaw.com)  
[dskeens@wbsvlaw.com](mailto:dskeens@wbsvlaw.com)  
[krenwick@wbsvlaw.com](mailto:krenwick@wbsvlaw.com)  
[mvaughan@wbsvlaw.com](mailto:mvaughan@wbsvlaw.com)  
[ghodes@wbsvlaw.com](mailto:ghodes@wbsvlaw.com)  
[mcrimmins@wbsvlaw.com](mailto:mcrimmins@wbsvlaw.com)  
[bnguyen@wbsvlaw.com](mailto:bnguyen@wbsvlaw.com)

**ATTORNEYS FOR PLAINTIFFS  
AND CLASS COUNSEL**

THOMPSON COBURN LLP

By /s/ W. David Wells  
W. David Wells – Mo. Bar 19759  
Maria G. Zschoche – Mo. Bar 56635  
Brian A. Lamping – Mo. Bar 61054  
One US Bank Plaza  
St. Louis, MO 63101  
(314) 552-6118  
(314) 552-7118 (Facsimile)  
[dwells@thompsoncoburn.com](mailto:dwells@thompsoncoburn.com)  
[mzschoche@thompsoncoburn.com](mailto:mzschoche@thompsoncoburn.com)  
[blamping@thompsoncoburn.com](mailto:blamping@thompsoncoburn.com)

**ATTORNEYS FOR DEFENDANT  
WELLS FARGO BANK, N.A.**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this the 19<sup>th</sup> day of September 2012, I electronically filed the above and foregoing document with the Clerk of Court of the Western District of Missouri using the Court's ECF system, which will send notification of said filing to all counsel of record who are ECF participants. In addition, a copy was served by U.S. mail, First-Class Postage Prepaid, to:

Arthur E. Kechijian, Manager  
United Mortgage C.B., LLC  
P.O. Box 471827  
Charlotte, NC 28247  
**Defendant United Mortgage C.B., L.L.C.**

/s/ Kip D. Richards